

A23

WASHINGTON POST
6 December 1985

Lawyer Says Pollard Wife Was Impaired *Intent to Flee Denied in Appeal for Bail*

By Joe Pichirallo
Washington Post Staff Writer

The wife of accused spy Jonathan Jay Pollard was not fully aware of what was happening when her husband drove to the Israeli Embassy with her and unsuccessfully sought political asylum, according to court papers filed yesterday by the wife's attorney.

In an appeal of a U.S. magistrate's denial of bail to Anne Henderson-Pollard, her attorney disclosed that Henderson-Pollard underwent a surgical procedure for a stomach problem in which she was sedated less than three hours before she accompanied her husband to the Israeli Embassy in Upper Northwest Washington on Nov. 21. "Her cognitive powers were impaired, and it is a reasonable inference that she was not independently seeking to flee," according to papers filed by her attorney James P. Hidey.

Pollard, 31, a civilian Navy counterterrorist analyst, was arrested outside the Israeli Embassy after his request for asylum was denied. Henderson-Pollard, 25, was arrested the next day on Nov. 22 and charged with unauthorized possession of classified U.S. documents.

Earlier this week, U.S. magistrate Patrick J. Attridge ordered Henderson-Pollard held in custody without bond. Attridge found that she represented a serious risk to national security and that there was a good chance she might flee the country if she were released.

In a written opinion issued yesterday, Attridge said there was "substantial" evidence that the couple engaged in spying-related activities. Hidey is seeking to have a U.S. District Court judge overturn Attridge's denial of bail to Henderson-Pollard.

Hidey said in his appeal that the government's argument for holding her without bail is based on "unfounded speculation and conjecture." He said the government is relying on the "spillover effect" of the evidence against Pollard.

Last week Attridge ordered Pollard, who is charged with selling U.S. secrets to the Israelis, held in custody without bond after his attorney did not oppose the government's request for no bond.

Federal prosecutors have said that when the FBI stopped the couple outside the Israeli Embassy, Henderson-Pollard had in her purse the couple's birth certificates and marriage license.

According to Hidey's appeal, during the five days Henderson-Pollard remained free after learning of the FBI investigation of her husband "there is not a scintilla of evidence" that Henderson-Pollard disclosed any classified information.